

ATTORNEYS AT LAW

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April 23, 2008

Via Facsimile (212) 805-7901

Hon. Harold Baer, Jr., U.S.D.J.
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

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APR 23 2008

EDWARD J. KAER
U.S. DISTRICT JUDGE
S.D.N.Y.

Re: Kettell v. Hall, Docket No. 08 civ 52

Dear Honorable Sir:

This firm represents defendant Suzanne Hall in the above referenced action. I write this letter having spoken to Anna Gercas, Esq. for pre-approval.

In reviewing the proposed pre-trial order, which I have not yet signed, I noted that the deadline to file a motion to add causes of action is April 30, 2008. While this date originally appeared to be satisfactory, the recent discovery by my client that she had left other videotapes, unrelated to plaintiff's copyright claim, at plaintiff's apartment which tapes were not returned, may necessitate adding a bailment claim for such additional tapes. This was noted in our telephone conference on April 14, 2008.

As the Court may require the filing of an informal request or a fully briefed motion to add this cause of action, I will need to time to fully explore this matter with my client and prepare the necessary documents. As such, I suggested to plaintiff that we change the deadline to May 31, 2008. She has responded that she will not consent. I will note to the Court that plaintiff filed two (2) amendments to her complaint, one in violation of the Court's Order, but accepted by the Court giving deference to a pro-se party. I will also note that there is no prejudice to plaintiff as no discovery has yet commenced.

Defendant respectfully requests that the deadline to add causes of action be set for May 31, 2008 and that the Court advise if a formal motion shall be brought to add such cause of action or if a letter request shall be made. In the alternative, defendant respectfully requests that she be permitted to add this cause of action which amended answer and counterclaim can be filed and served by April 30, 2008.

We thank the Court for its consideration in this regard.

Respectfully,

Jeffrey C. Ruderman

cc: Meg Kettell (Via Email)

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HACKENSACK, NJ

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is regard,

fully,

C. Ruderman

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*Since you have spelled out
the purpose of your plan is
to let the TV have 2 weeks to
approve the program in
advance - ie approve the program in
advance if she chooses to appear
on a 30- day show
before April 30 - Put simple &
serve the amended pleading & I
she has a week to appear & I
will then decide - none
due some time
SORDERP
Haines*

USDC

Since you have spelled out the proposed new cause of action and your plan no others - let the plaintiff have 2 weeks to oppose - i.e., oppose the propositions in this letter if she chooses. You might simply furnish her a draft amended counterclaim on or before April 30. Put simply you serve the amended pleading and she has a week to oppose and I will then decide - may save some time.